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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 \* \* \*

6 Brandon Boware,

7 Plaintiff,

8 v.

9 Levi Strauss Distribution Center,

10 Defendant.

Case No. 2:24-cv-01139-RFB-DJA

**Order  
and  
Report and Recommendation**

11 This is an employment action arising out of pro se Plaintiff Brandon Boware's  
12 employment with Defendant Levi Strauss Distribution Center. Plaintiff sues Defendant for  
13 damages and injunctive relief, alleging claims for hostile work environment, workplace  
14 harassment, retaliation, and negligence. (ECF No. 1-1). Defendant moves to dismiss the  
15 complaint. (ECF No. 5). Defendant also moves for a more definite statement with respect to  
16 Plaintiff's fourth cause of action, asking that the Court order Plaintiff to file an amended  
17 complaint. (ECF No. 6). Finally, Defendant filed a one-sided proposed discovery plan,  
18 explaining that Plaintiff refused to meet and confer with Defendant. (ECF No. 12). Plaintiff has  
19 not responded to any of Defendant's motions.

20 **Discussion**

21 **I. Motion to dismiss and motion for more definite statement.**

22 Under Local Rule 7-2(d), "[t]he failure of an opposing party to file points and authorities  
23 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's  
24 fees, constitutes a consent to the granting of the motion." Plaintiff did not respond to Defendant's  
25 motion to dismiss, constituting his consent to the Court granting it. The Court thus recommends  
26 granting Defendant's motion to dismiss and providing Plaintiff with leave to amend his  
27 complaint. Because granting the motion to dismiss would moot the motion for more definite  
28 statement, the Court recommends denying the motion for more definite statement as moot.



## Notice

DATED: August 29, 2024

  
NIEL J. ALBRECHTS

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE